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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,056	10/24/2005	Heinz-Josef Hautvast	2003P05892WOUS	2812

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EXAMINER
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EVANISKO, LESLIE J

ART UNIT	PAPER NUMBER
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2854

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07/07/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/554,056	<b>Applicant(s)</b> HAUTVAST ET AL.	
	<b>Examiner</b> Leslie J. Evanisko	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 3-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Election/Restrictions**

1. Applicant's election without traverse of Group I, claims 1-2 in the reply filed on July 28, 2008 has been acknowledged.
2. Claims 3-25 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 28, 2008.

### **Drawings**

3. The Examiner previously indicated various drawing problems in paragraphs 4 and 5 of the Office Action dated October 3, 2008. It is noted that applicant states that replacement sheets of drawings are being submitted with the amendment dated March 3, 2009 to correct these drawing problems. However, these replacement sheets could not be located in the application file. Appropriate correction and/or clarification is required.

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lais (US 6,392,677 B1) in view of Roth et al. (US 6,250,730 B1).

With respect to claim 1, Lais teach a printer 1 for a tachograph of a motor vehicle comprising a housing 2, a printing unit having a media unit 28 arranged to hold a medium 38 that can be printed, the media unit being further arranged to be moved relative to the printing unit along an insertion curve describing an insertion direction into an operating position and, counter to the insertion direction, out of the operating position, the media unit further arranged to be at least partly removed from the housing and locked in the operating position in the housing by means of a locking unit.

Particular attention is invited to Figures 2-3 and column 3, lines 13-19 of Lais, which shows and describes the drawer-like assembly of Lias, its movement into and out of the housing, and the locking unit.

Lais does not specifically teach the details of the locking unit or whether the locking unit includes two movable locking elements and two retaining elements arranged for engagement as recited. However, Roth et al. teach a structure including a housing 22 including two retaining elements 30 fixed to the housing (see column 4, lines 21-25) and a drawer-like sliding unit 24 that is locked in position using a locking mechanism including two movable locking elements 32 extending in opposite directions (i.e., from opposite side walls 34 of the drawer) and configured to be moved into a locked (Fig. 4A) and into an unlocked position (Fig. 4C), wherein in the locked position each locking element 32 engages with at least one retaining element 30 fixed on a housing, wherein the locking element is arranged to be moved translationally transversely (i.e., in a vertical direction) with respect to the insertion direction into the locked position engaging the respective retaining elements (Fig. 4A) and into the unlocked position (Fig. 4C). Particular attention is invited to the locking mechanism shown in Figures 1, 3A, 4A and described in columns 1-3 of Roth et al.

In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the printer of Lais with the locking unit of Roth et al. as it would simply require the obvious substitution of one known locking mechanism for another to provide better locking securement and release characteristics of the printer and media unit to allow for both accurate printing and ease of maintenance of the printer.

With respect to claim 2, note that Roth et al. teach the two retaining elements 30 are arranged with a spacing from each other (i.e. on the side walls of the housing), as discussed in column 4, lines 20-34 in particular.

### **Response to Arguments**

7. Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's newly presented arguments regarding the lack of unity requirement as set forth in the amendment dated March 9, 2009, the Examiner points out that independent claim 1 is still rejected with prior art and therefore the elements of claim 1 do not constitute a special technical feature as applicant contends. Particular attention is invited to MPEP 1893.03(d) and 1850(II), which state that "The expression "special technical features" is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art." Since the elements of claim 1 are known (see the prior art rejection set forth above), these elements are not a special technical feature that defines a contribution over the prior art. Therefore, the Examiner maintains that the restriction requirement is proper and claims 3-25 remain withdrawn from consideration.

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thompson (US 2,731,321) and Mock (US 2,730,423) each teach drawer locking mechanisms with obvious similarities to the claimed subject matter.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Leslie J. Evanisko /*  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
July 5, 2009